

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**KARON S. BRADLEY**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO: 3:12-CV-97-D-A**

**PONTOTOC COUNTY SHERIFF'S  
DEPARTMENT, PONTOTOC COUNTY,  
MISSISSIPPI, and  
BRAD OWEN, DAVID STREVEL and  
DAVID VANDIVER, In Their Individual Capacities**

**DEFENDANTS**

**JURY TRIAL DEMANDED**

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**FIRST AMENDED COMPLAINT**

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**COMES NOW**, Karon S. Bradley, by and through counsel, and files this Complaint against Pontotoc County Sheriff's Department, Pontotoc County, Mississippi, and Brad Owen, David Strevel and David Vandiver, in their individual capacities. Plaintiff would respectfully show unto the Court as follows:

**I. THE PARTIES**

1. Plaintiff, KARON S. BRADLEY, is an adult resident citizen of Tupelo, Mississippi.

2. Defendant, BRAD OWEN, at all relevant times, was a deputy sheriff of Pontotoc County, Mississippi and acted under color of state law. He may be served with process at Pontotoc County Sheriff's Department, 18 South Liberty Street, Pontotoc, Mississippi 38863.

3. Defendant, DAVID STREVEL, at all relevant times, was an agent with the North Mississippi Narcotics Unit, and acted under color of state law. He may be served with process at 220 North Front Street, Tupelo, Mississippi or wherever he may be found

4. Defendant DAVID VANDIVER, at all relevant times, was an agent with the North Mississippi Narcotics Unit, and acted under color of state law. He may be served with process at 220 North Front Street, Tupelo, Mississippi or wherever he may be found

5. Defendant, PONTOTOC COUNTY SHERIFF'S DEPARTMENT, is a political subdivision of the State of Mississippi. It may be served with process upon Sheriff Leo Mask at the Pontotoc County Sheriff's Department, 18 South Liberty Street, Pontotoc, Mississippi 38863.

6. Defendant, PONTOTOC COUNTY, MISSISSIPPI is a political subdivision of the State of Mississippi. It may be served with process by service upon its Chancery Clerk, Gary Moorman, 34 South Liberty Street, Pontotoc, Mississippi 38863.

## **II. JURISDICTION**

7. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and civil rights jurisdiction pursuant to 28 U.S.C. § 1343 for a cause of action arising under 42 U.S.C. § 1983.

## **III. FACTS**

8. On or about February 9, 2012, Plaintiff was stopped by Defendant Deputy Brad Owen. Brad Owen was acting as a Pontotoc County Deputy Sheriff and was acting under color of State law.

9. There was neither reasonable suspicion nor probable cause for Brad Owen's stop and subsequent detention of Plaintiff.

10. While Plaintiff was detained, the individual Defendants, or some combination thereof, conducted a warrantless and unreasonable search of Plaintiff's person.

11. Defendants ordered Plaintiff to remove his pants and to submit to a partial strip search on the side of the public road. Plaintiff's nudity was exposed in full view of passersby on the public road.

12. The individual Defendants ordered Plaintiff to manipulate his genitalia during the search, causing further embarrassment and humiliation.

#### **IV. COUNT ONE – VIOLATION OF FOURTH AMENDMENT RIGHTS**

13. Defendant Brad Owen violated Plaintiff's clearly established constitutional rights by stopping Plaintiff without reasonable suspicion that a crime had been committed.

14. The individual Defendants, or some combination thereof, violated Plaintiff's clearly established constitutional rights by unreasonably detaining Plaintiff and by ordering Plaintiff to submit to a roadside strip search.

15. The public strip search of Plaintiff was unreasonable and unsupported by probable cause. The search of Plaintiff's person was unreasonably intrusive and was an egregious invasion of Plaintiff's personal rights.

16. No reasonable officer under the circumstances could have believed that the stop, detention and strip search of Plaintiff was lawful.

17. Individual Defendants Brad Owen, David Strevel and David Vandiver are liable to Plaintiff for violation of Plaintiff's Fourth Amendment rights.

#### **V. COUNT TWO – FAILURE TO TRAIN AND TACIT POLICY OF SHERIFF'S DEPARTMENT**

18. The Pontotoc County Sheriff's Department has failed to train and supervise its Deputies to prevent such improper traffic stops, detentions and searches of the public.

19. Upon information and belief, such conduct is widespread within the Pontotoc County Sheriff's Department and a pattern of similar constitutional violations exists. Such

violations have existed for so long that knowledge and acceptance by the Pontotoc County Sheriff's Department may be properly inferred.

20. Pontotoc County Sheriffs Department's policies of inadequate supervision and training were the moving force behind the violations of Plaintiff's constitutional rights.

21. Plaintiff's injuries and the deprivation of his constitutional rights were reasonably foreseeable consequences of the Sheriff's Department's deliberate and conscious choice not to provide officers with adequate training and supervision.

22. Because Plaintiff's rights were violated pursuant to a tacit policy and widespread practice of the Sheriff's Department, Defendant Pontotoc County, Mississippi and Pontotoc County Sheriff's Department are liable to Plaintiff. Plaintiff is entitled to compensatory damages from Defendant Pontotoc County Sheriff's Department and Pontotoc County, Mississippi.

#### **VI. DAMAGES**

23. Plaintiff suffered, and continues to suffer, severe humiliation, mental anxiety and emotional distress as a result of the violation of his constitutional rights.

24. Additionally, due to the egregious nature of the individual Defendants' conduct, Plaintiff is entitled to recover punitive damages against the individual Defendants.

25. Plaintiff is further entitled to an award of his reasonable attorneys' fees.

#### **VII. PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff demands judgment against all Defendants for compensatory damages in an amount to be determined by a jury. Plaintiff requests that he be awarded punitive damages against Defendants Brad Owen, David Strevel and David Vandiver. Plaintiff requests that he be awarded reasonable attorneys' fees and all costs of

Court, together with post-judgment interest against all Defendants. Plaintiff further requests such other and more general relief to which he is entitled.

**RESPECTFULLY SUBMITTED**, this the 17th day of February, 2013.

**McLAUGHLIN LAW FIRM**

By: /s/ R. Shane McLaughlin  
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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that I have this day electronically filed the foregoing document with the Clerk of Court using the ECF system, which sent notification to the following:

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**THIS** the 17th day of February, 2013.

/s/ R. Shane McLaughlin